

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2017

CORAM

THE HONOURABLE DR. JUSTICE S. VIMALA

C.M.A. No.359 of 2016
and C.M.P.No.2633 and 10853 of 2016

United India Insurance Co, Ltd.,
Motor Third Party Cell, No.38,
Anna Salai,
Chennai

... Appellant/2nd Respondent

Versus

1. V.Rajasekar,
2. S.Lourdusamy

... Respondents/Petitioner/1st
Respondent

(R2 remained ex parte before
the Tribunal)

Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree passed in M.C.O.P.No.3459 of 2002 dated 13.08.2015, on the file of the Motor Accidents Claim Tribunal, IV Small Causes Court, Chennai.

For appellant : Mr.R.Ravichandran
For Respondents: Mr.N.Muthurajan (R1)
R2 Exparte

JUDGMENT

This Appeal has been filed by the Insurance Company challenging the quantum of compensation awarded by the Claims Tribunal in M.C.O.P.No.3459 of 2002.

2. The Claimant, aged 43 years, a Mason, earning a sum of Rs.200/- per day, met with an accident on 09.05.2002, due to which, he sustained fracture of right hand, dislocation of right shoulder, head injury and multiple injuries all over the body. Hence, he filed a claim petition in M.C.O.P.No.3459 of 2002, seeking compensation of Rs.3,50,000/- . The Claims Tribunal, on consideration of oral and documentary evidence, has awarded a sum of Rs.3,07,000/- as compensation. The break-up details of the same are as under|:

Disability	Rs. 75,000.00
Pain and suffering	Rs. 50,000.00
Extra Nourishment	Rs. 40,000.00
Transport to Hospital	Rs. 30,000.00
Damages to clothes	Rs. 3,000.00
Attender charges	Rs. 10,000.00
Medical Expenses	Rs. 20,000.00
Future Medical Expenses	Rs. 30,000.00
Loss of income	Rs. 26,000.00
Loss of earning power	Rs. 13,000.00
Loss of amenities	Rs. 10,000.00
Total	<u>Rs. 3,07,000.00</u>

3. The learned counsel for the appellant would submit that the compensation awarded by the tribunal is very high and the same has to be reduced. It is his further submission that the accident took place in the year 2002 and the sum of Rs.30,000/- awarded towards future medical expenses is very high.

4. As far as the contention of the learned counsel for the appellant with regard to the future medical expenses is concerned, the same cannot be accepted. It is true that the accident occurred in the year 2002, during which time, future medical expenses of Rs.30,000/- awarded by the Tribunal can be said to be very high, but, it cannot be said so in the year 2017. There is a escalation of prices and reduction in the money value when the appeal is decided in the year 2017. Therefore, it may not be possible to reduce quantum of compensation, on that ground. However, the amount of compensation awarded at Rs.50,000/- towards pain and suffering is reduced to Rs.20,000/-.

5. The disability is 25%, for which, a sum of Rs.75,000/- has been awarded. Since the accident occurred in the year 2002, awarding a sum of Rs.2,000/- per percentage of disability would meet the ends of justice. Therefore, the sum of Rs.75,000/- awarded towards disability is reduced to Rs.50,000/-.

6. Similarly, the Transport expenses awarded at Rs.30,000/- is also on the higher side taking note of the cost of transportation during the relevant period. Therefore, the amount of Rs.30,000/- is reduced to Rs.17,000/- which would be the fair compensation towards transportation charges.

7. In the result, this appeal is allowed and the compensation awarded by the Tribunal is reduced from Rs.3,07,000/- to Rs.2,39,000/- as detailed below:-

Disability	Rs. 50,000.00
Pain and suffering	Rs. 20,000.00
Extra Nourishment	Rs. 40,000.00
Transport to Hospital	Rs. 17,000.00
Damages to clothes	Rs. 3,000.00
Attender charges	Rs. 10,000.00
Medical Expenses	Rs. 20,000.00
Future Medical Expenses	Rs. 30,000.00
Loss of income	Rs. 26,000.00
Loss of earning power	Rs. 13,000.00
Loss of amenities	Rs. 10,000.00
Total	Rs. 2,39,000.00

8. The Insurance Company is directed to deposit the compensation of Rs.2,39,000/-, less the amount already deposited if any, along with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit (no interest for the default period, if any), within a period of four weeks from the date of receipt of a copy of this order. On such deposit, the claimant is permitted to withdraw the same. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

arr/ogy

To

1. Motor Accident Claims Tribunal,
IV Small Causes Court, Chennai.

2. The Section Officer,
V.R.Section,
High Court, Madras.

+1 cC to Mr.R. Ravichandran, Advocate sr 5496

+1 CC to Mr.N. Muthurajan, Advocate sr 5016.

C.M.A. No.359 of 2016

NMI (CO)

SP(14/11/2017)